National Labor Relations Board Weekly Summary of



W-3216

Division of Information	Washington, D.C. 20570	Tel. (202) 273-1991

July 10, 2009

CASES SUMMARIZED

CASES SUMMARIZED VISIT <u>WWW.NLRB.GOV</u> FOR FULL TEXT

Brink's USA	Newark, NJ	2
Galicks, Inc.	New Philadelphia, OH	2
<u>Hearn Construction</u>	Vacaville, CA	2

OTHER CONTENTS

<u>List of Decisions of Administrative Law Judges</u>	3
No Answer to Complaint Case	3
Withdrawal of Answer Case	3

List of Unpublished Decisions and Orders in Representation Cases
 Contested Report of Regional Director and Hearing Officer
 Uncontested Report of Regional Director and/or Hearing Officer
 Requests for Review of Regional Directors' Decisions and Directions of Elections and Decisions and Orders
 Miscellaneous Board Decision and Order

The Weekly Summary of NLRB Cases is prepared by the NLRB Division of Information and is available on a paid subscription basis. It is in no way intended to substitute for the professional services of legal counsel, or for the authoritative judgments of the Board. The case summaries constitute no part of the opinions of the Board. The Division of Information has prepared them for the convenience of subscribers.

If you desire the full text of decisions summarized in the Weekly Summary, you can access them on the NLRB's Web site (www.nlrb.gov). Persons who do not have an Internet connection can request a limited number of copies of decisions by writing the Information Division, 1099 14th Street, NW, Suite 9400, Washington, DC 20570 or fax your request to 202/273-1789. As of August 1, 2003, Administrative Law Judge decisions are on the Web site.

All inquiries regarding subscriptions to this publication should be directed to the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402, 202/512-1800. Use stock number 731-002-0000-2 when ordering from GPO. Orders should not be sent to the NLRB.

Brink's USA (22-CA-27870; 354 NLRB No. 41) Newark, NJ, July 1, 2009. The Board adopted the administrative law judge's decision, dismissing the complaint allegation that the Respondent violated Section 8(a)(5) and (1) of the Act by engaging in surface bargaining with the Union. [HTML] [PDF]

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Law Enforcement Employees Benevolent Association; complaint alleged violation of Section 8(a)(1) and (5). Hearing at Newark, June 24, 2008, at New York, June 25-27 and July 2, 2008. Adm. Law Judge Eleanor MacDonald issued her decision Feb. 4, 2009.

Galicks, Inc. (8-CA-36079, 36766; 354 NLRB No. 39) New Philadelphia, OH, June 30, 2009. The Board affirmed, for the reasons stated by the administrative law judge, the judge's finding that Section 10(b) time-barred the complaint allegation that Galicks violated Section 8(a)(5) of the Act by assigning bargaining-unit work to nonunit employees without affording the Union notice and an opportunity to bargain. The Board also affirmed, for reasons it substituted in place of the judge's analysis, the judge's findings that Galicks violated Section 8(a)(5) by refusing to furnish the Union information it requested in Aug. 2005 and Aug. 2006, and by withdrawing recognition from the Union in Sept. 2006. Finally, the Board reversed the judge's decision and found that Galicks violated Section 8(a)(3) by failing to recall journeymen from layoff because the journeymen were represented by the Union. [HTML] [PDF]

(Chairman Liebman and Member Schaumber participated.)

Charges filed by Sheet Metal Workers Local 33 of Northern Ohio; complaint alleged violations of Section 8(a)(3), (5) and (derivatively) (1). Hearing at Cleveland, Jan. 23-25 and March 26-27, 2007. Adm. Law Judge Ira Sandron issued his decision June 20, 2007.

Hearn Construction (20-CA-33534, 354 NLRB No. 37) Vacaville, CA, June 30, 2009. The Board adopted the administrative law judge's decision finding that the Respondent violated Section 8(a)(1) of the Act by causing the arrest of two union representatives picketing on public property, and found it unnecessary to pass on whether the Respondent also violated Section 8(a)(1) by seeking the removal of, and denying union representatives access to public property. [HTML] [PDF]

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Carpenters Local 180; complaint alleged violations of Section 8(a)(1). Hearing at San Francisco on Dec. 9, 2008. Adm. Law Judge Mary Miller Cracraft issued her decision March 10, 2009.

LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

Knight Protective Service, Inc. (United Government Security Officers Local 206 Battle Creek, MI, June 29, 2009. 7-CA-51139, 51388; JD-21-09, Judge Paul Buxbaum.

Bernard Dalsin Manufacturing Co. (Sheet Metal Workers Local 10) Farmington, MN, June 30, 2009. 18-CA-18797; JD-27-09, Judge Eric M. Fine.

Stella D'oro Biscuit Co., Inc. (Bakery Workers Local 50) Bronx, NY, June 30, 2009. 2-CA-38960; JD(NY)-26-09, Judge Steven Davis.

Wyatt Field Service Co. (an Individual) Houston, TX, June 30, 2009. 16-CA-26356; JD(ATL)-15-09, Judge Margaret G. Brakebusch.

Dutchess Overhead Doors, Inc. (Carpenters Empire State Regional Council Local 42) Poughkeepsie, NY, July 1, 2009. 3-CA-26813, 26965; JD-31-09, Judge Bruce D. Rosenstein.

American Benefit Corp. (Teamsters Local 505) Huntington, WV, July 2, 2009. 9-CA-44679, 44701; JD-32-09, Judge David I. Goldman.

NO ANSWER TO COMPLAINT

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint.)

John Succi Contracting, Inc. d/b/a John Succi General Contractor aka Succi, John General Contractors (Carpenters Metropolitan Regional Council of Southeastern Pennsylvania, State of Delaware and Eastern Shore of Maryland) (4-CA-36427; 354 NLRB No. 38) Yardley, PA, June 30, 2009. [HTML] [PDF]

WITHDRAWAL OF ANSWER

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the withdrawal of the Respondent's answer to the complaint.)

Standard Plumbing & Appliance Co., Inc. (Plumbers Local 15) (18-CA-18966, 19001; 354 NLRB No. 40) St. Louis Park, MN, July 2, 2009. [HTML] [PDF]

LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

(In the following case, the Board considered exceptions to Report of Regional Director or Hearing Officer)

DECISION AND ORDER [remanding proceeding to Regional Director to arrange and issue notice of hearing] DIRECTING HEARING

SMG, Inc., Baltimore, MD, 5-RC-16290, June 30, 2009 (Chairman Liebman and Member Schaumber)

(In the following case, the Board adopted Report of Regional Director or Hearing Officer in the absence of exceptions)

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Black Entertainment Television, LLC, Washington, DC, 5-RC-16302, July 2, 2009

(In the following cases, the Board denied requests for review of Decisions and Directions of Elections (D&DE) and Decisions and Orders (D&O) of Regional Directors)

Murray Bresky Consultants, LTD., South Fallsburg, NY, 3-RC-11896, July 1, 2009 (Chairman Liebman and Member Schaumber)

Veolia Transportation Services, Inc., Chula Vista, CA, 21-RC-21099, 21-UC-427, June 30, 2009 (Chairman Liebman and Member Schaumber)

ORDER [affirming Regional Director's administrative dismissal of petition]

Catholic Healthcare West, San Francisco, CA, 20-RC-18222, July 1, 2009 (Chairman Liebman and Member Schaumber)

Miscellaneous Board Decision and Order

ORDER [granting motion of SEIU United Healthcare Workers—West to strike declarations attached to Petitioner's request for review]

Catholic Healthcare West, San Francisco, CA, 20-RC-18222, July 2, 2009 (Chairman Liebman and Member Schaumber)